

1 ANDREW R. LIVINGSTON (State Bar No. 148646)
alivingston@orrick.com
2 ERIN M. CONNELL (State Bar No. 223355)
econnell@orrick.com
3 ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
4 405 Howard Street
San Francisco, CA 94105-2669
5 Telephone: +1-415-773-5700
Facsimile: +1-415-773-5759
6

Attorneys for Defendants
7 Chase Home Finance, LLC (on behalf of itself and as successor
in interest to Chase Manhattan Mortgage Corporation) and
8 James Boudreau

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 CHRISTOPHER CLARK and JAMES
13 RENICK, individuals,

14 Plaintiffs,

15 v.

16 CHASE HOME FINANCE, LLC; a Delaware
LLC doing business in California; CHASE
17 MANHATTAN MORTGAGE
CORPORATION, a New Jersey corporation
18 doing business in California; JAMES
BOUDREAU, an individual; and DOES 1-25,

19 Defendants.
20

Case No. 08 CV 0500 JM RBB

**DECLARATION OF ERIN M.
CONNELL IN SUPPORT OF
DEFENDANTS' MOTION FOR
JUDGMENT ON THE PLEADINGS
PURSUANT TO RULE 12(c) OR, IN
THE ALTERNATIVE, MOTION FOR
PARTIAL SUMMARY JUDGMENT
PURSUANT TO RULE 56**

Date: May 30, 2008
Time: 1:30 p.m.
Dept.: 16
Judge: The Hon. Jeffrey T. Miller

1 I, Erin M. Connell, hereby declare:

2 1. I am a member of the State Bar of California and an associate with the firm of
3 Orrick, Herrington & Sutcliffe LLP, attorneys of record for defendants Chase Home Finance,
4 LLC (on behalf of itself and as successor in interest to Chase Manhattan Mortgage Corporation)
5 and James Boudreau. I make this declaration in support of Defendants' Motion For Judgment On
6 The Pleadings Pursuant To Rule 12(c) Or, In The Alternative, Motion For Partial Summary
7 Judgment Pursuant To Rule 56. The facts set forth in this declaration I know to be true of my
8 own personal knowledge, except where such facts are stated to be based on information and
9 belief, and those facts I believe to be true. If called as a witness I could and would testify
10 competently to the matters set forth in this declaration.

11 2. Attached as Exhibit A is a true and correct copy of three letters dated January 9,
12 2008 and sent by Certified Mail by Plaintiffs' counsel to Defendants purporting to give notice of
13 the alleged California Labor Code violations that form the basis of Plaintiffs' Sixth Cause of
14 Action under California Labor Code Section 2699.

15
16 Executed on April 24, 2008, in the City of San Francisco State of California.

17 I declare under penalty of perjury under the laws of the State of California and these
18 United States that the foregoing is true and correct.

19
20 

Erin M. Connell

INDEX OF EXHIBITS

<u>No.</u>	<u>Exhibit</u>	<u>Page</u>
A.	Three letters dated January 9, 2008 and sent by Certified Mail by Plaintiffs' counsel to Defendants purporting to give notice of the alleged California Labor Code violations that form the basis of Plaintiffs' Sixth Cause of Action under California Labor Code Section 2699	1

Exhibit A



United Employees Law Group, P.C.

January 9th, 2008

CERTIFIED MAIL

James Boudreau
10790 Rancho Bernardo Road
San Diego CA 92127

RE: Employers Names & Addresses:
Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
Violations of Labor Code Sections 1174, 1174.5, 1194, 1197.1, 1198 and 2699, 200, 203, 210,
218.5, 226(a), 226(e), 226(f), 226(g) 226.7, 510, 512, 558.

Dear Sir or Madam:

This law firm represents Christopher Clark & James Renick, are former employees of the Employers named above and whose respective business addresses are set forth above.

In compliance with Labor Code § 2699.3(a) (1), and your agency's right to investigate these violations, this letter shall serve as notice that we are preparing to enforce our clients' right to recover earned, but unpaid wages; our clients' right to obtain accurate and complete wage statements, compensation for denied rest periods and meal breaks and our intent to assert all relevant penalties under the Labor Code including but not limited to §§ 203, 210, 226(f), 558 and 1174.5.

Our client asserts that they were misclassified as an exempt employee and therefore, did not receive compensation for overtime hours worked in that they worked in excess of 8 hours per day and 40 hours/week on a regular basis while receiving compensation for only eight hours. (Violation of Labor Code §§ 1194, 1198 and 510). Furthermore our clients' were not permitted meal and rest breaks as mandated by law during the course of the employment relationship. (Violation of Labor Code §§ 226.7 and 512). Finally, our client asserts they did not receive accurate and complete wage statements, despite the fact that such statements were requested. (Violation of Labor Code § 1174 and 226(a)).

Pending a full investigation, any later discovered violations may be added which we intend to enforce in accordance with the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698-2699.5.

In view of the duties imposed on your agency and this office by the statutes cited above, please be advised we will advance our calendar thirty (30) days of the date of this letter.

Sincerely,

Walter L. Haines
Attorney at Law

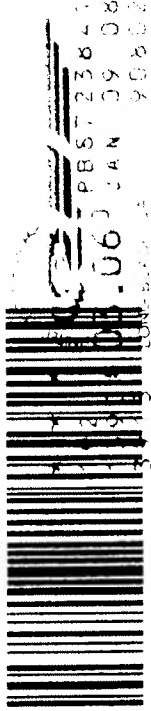
cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
(Per LC § 2699.3, by Certified Mail)

65 Pine Avenue, #312, Long Beach, California 90802, Phone: (562) 256-1047, Fax: (562) 256-1006

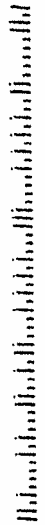
Exhibit A

 United Employees Law Group, P.C.
65 Pine Avenue, #312
Long Beach, CA 90802

CERTIFIED MAIL™



7007 1490 0002 3343 7800

9212745705 0015 



United Employees Law Group, P.C.

January 9th, 2008

CERTIFIED MAIL

Chase Manhattan Mortgage Corporation
10790 Rancho Bernardo Road
San Diego CA 92127

RE: Employers Names & Addresses:
Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
Violations of Labor Code Sections 1174, 1174.5, 1194, 1197.1, 1198 and 2699, 200, 203, 210,
218.5, 226(a), 226(e), 226(f), 226(g) 226.7, 510, 512, 558.

Dear Sir or Madam:

This law firm represents Christopher Clark & James Renick, are former employees of the Employers named above and whose respective business addresses are set forth above.

In compliance with Labor Code § 2699.3(a) (1), and your agency's right to investigate these violations, this letter shall serve as notice that we are preparing to enforce our clients' right to recover earned, but unpaid wages; our clients' right to obtain accurate and complete wage statements, compensation for denied rest periods and meal breaks and our intent to assert all relevant penalties under the Labor Code including but not limited to §§ 203, 210, 226(f), 558 and 1174.5.

Our client asserts that they were misclassified as an exempt employee and therefore, did not receive compensation for overtime hours worked in that they worked in excess of 8 hours per day and 40 hours/week on a regular basis while receiving compensation for only eight hours. (Violation of Labor Code §§ 1194, 1198 and 510). Furthermore our clients' were not permitted meal and rest breaks as mandated by law during the course of the employment relationship. (Violation of Labor Code §§ 226.7 and 512). Finally, our client asserts they did not receive accurate and complete wage statements, despite the fact that such statements were requested. (Violation of Labor Code § 1174 and 226(a)).

Pending a full investigation, any later discovered violations may be added which we intend to enforce in accordance with the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698-2699.5.


In view of the duties imposed on your agency and this office by the statutes cited above, please be advised we will advance our calendar thirty (30) days of the date of this letter.

Sincerely,

Walter L. Haines
Attorney at Law

cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
(Per LC § 2699.3, by Certified Mail)

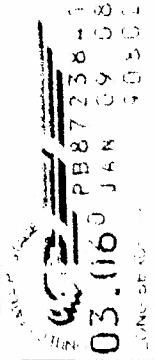
65 Pine Avenue, #312, Long Beach, California 90802, Phone: (562) 256-1047, Fax: (562) 256-1006



United Employees Law Group, P.C.
65 Pine Avenue, #312
Long Beach, CA 90802

OF THE UNITED STATES POSTAL SERVICE
CERTIFIED MAILTM



7007 1490 0002 3343 7787



9212735705 0015 



United Employees Law Group, P.C.

January 9th, 2008

CERTIFIED MAIL

Chase Home Finance LLC
10790 Rancho Bernardo Road
San Diego CA 92127

RE: Employers Names & Addresses:
Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
Violations of Labor Code Sections 1174, 1174.5, 1194, 1197.1, 1198 and 2699, 200, 203, 210,
218.5, 226(a), 226(e), 226(f), 226(g) 226.7, 510, 512, 558.

Dear Sir or Madam:

This law firm represents Christopher Clark & James Renick, are former employees of the Employers named above and whose respective business addresses are set forth above.

In compliance with Labor Code § 2699.3(a) (1), and your agency's right to investigate these violations, this letter shall serve as notice that we are preparing to enforce our clients' right to recover earned, but unpaid wages; our clients' right to obtain accurate and complete wage statements, compensation for denied rest periods and meal breaks and our intent to assert all relevant penalties under the Labor Code including but not limited to §§ 203, 210, 226(f), 558 and 1174.5.

Our client asserts that they were misclassified as an exempt employee and therefore, did not receive compensation for overtime hours worked in that they worked in excess of 8 hours per day and 40 hours/week on a regular basis while receiving compensation for only eight hours. (Violation of Labor Code §§ 1194, 1198 and 510). Furthermore our clients' were not permitted meal and rest breaks as mandated by law during the course of the employment relationship. (Violation of Labor Code §§ 226.7 and 512). Finally, our client asserts they did not receive accurate and complete wage statements, despite the fact that such statements were requested. (Violation of Labor Code § 1174 and 226(a)).

Pending a full investigation, any later discovered violations may be added which we intend to enforce in accordance with the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698-2699.5.

In view of the duties imposed on your agency and this office by the statutes cited above, please be advised we will advance our calendar thirty (30) days of the date of this letter.

Sincerely,

Walter L. Haines
Attorney at Law

cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau
10790 Rancho Bernardo Road, San Diego CA 92127
(Per LC § 2699.3, by Certified Mail)

65 Pine Avenue, #312, Long Beach, California 90802, Phone: (562) 256-1047, Fax: (562) 256-1006

United Employees Law Group, P.C.
65 Pine Avenue, #312
Long Beach, CA 90802



CERTIFIED MAIL™



7007 1490 0002 3343 7794



9212735705 0015